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Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on its advisory visit to the national preventive mechanism of Senegal

Addendum

Replies of the national preventive mechanism of Senegal to the recommendations and questions put forward by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its report on its advisory visit*, **, ***

[22 January 2014]

* The annexes may be obtained from the secretariat of the Subcommittee on Prevention of Torture upon request.

** The present document was not edited before being sent to the United Nations translation services.

*** On 22 January 2014 the national preventive mechanism communicated its decision to transmit and to make public its replies to the report of the Subcommittee on Prevention of Torture on its advisory visit. The present document has been made public in accordance with article 16, paragraph 2, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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I. Replies to recommendations regarding the legal framework of the national preventive mechanism

1. Since August 2012, the Director of the National Observatory of Places of Deprivation of Liberty (the Observatory) has written several times to Government authorities (the Prime Minister and the Minister of Justice) inviting them to amend the decree attaching the national preventive mechanism to the Ministry of Justice.

2. The most recent correspondence dates from 18 October 2013.

3. The current Minister of Justice, Mr. Sidiki Kaba, assured us at our meeting that he would ensure that any linking of the national preventive mechanism to the executive branch would be abolished.

4. The Observatory will inform the Subcommittee on Prevention of Torture of developments in that regard.

5. The Observatory is free to choose its staff members, who may come from inside or outside the public administration.

6. Staff members from inside the public administration are paid from the general State budget, while other staff members must be paid from the budget of the national preventive mechanism.

7. Currently, given the very small budget allocated to the national preventive mechanism — 21,500,000 CFA francs, or the equivalent of 33,000 euros — staff members not belonging to the administration (see annexes) and support staff recruited by the Observatory do not receive any remuneration.

8. This is a very regrettable situation that can impede the institution's effective functioning.

9. A detailed draft budget (see annexes) was sent to the Government authorities (the Ministry of Justice and the parliamentary legislative committee) in March 2013, but the proposal was not taken into account in the overall draft budget for 2014, which is currently before the Parliament.

10. The budget has been left at 21,500,000 CFA francs, which means that the Government of Senegal has not taken any account of our proposals or of the recommendations of the Committee against Torture and the Subcommittee on Prevention of Torture, or those of the Human Rights Council, made on the occasion of the most recent universal periodic review of Senegal.

11. The current Director of the Observatory, a trained judge with more than 34 years of professional experience, was chosen from a list of several candidates proposed to the Ministry of Justice.

12. The powers and mandate of the national preventive mechanism are in conformity with the provisions of articles 4 and 20 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Places of deprivation of liberty falling under the jurisdiction of the armed forces, namely gendarmerie stations and the detention centres of military camps, are within the Observatory's sphere of competence.

13. Observers have already visited several gendarmerie stations.

14. There are plans to visit detention centres of military camps in 2014.

II. Replies to recommendations relating to institutional issues

15. Upon his appointment in January 2012, the Director of the Observatory set about establishing the necessary structures to enable him to fulfil his mission. Internal rules of procedure and Guidance on Visits to Places of Deprivation of Liberty were compiled and publicized. The workplan prepared since February 2013 includes visits to places of deprivation of liberty and training sessions for judges, gendarmes, police officers and prison officials.

16. Implementation of the workplan is proceeding smoothly and to the satisfaction of domestic and international public opinion, despite the modest resources made available to us by the Government.

17. Since March 2013, Observatory staff have visited the regions of Thiès, Saint-Louis, Tambacounda and Kaolack and have provided training to 53 judges, 55 gendarmes, 18 police officers and 25 prison officials – a total of 151 people working in 11 of the country's 14 administrative regions.

18. Observatory staff have also visited prisons, gendarmerie and police stations and a psychiatric hospital and have sent reports on those visits to the competent authorities with recommendations for measures to improve the living conditions of persons deprived of liberty.

19. The Observatory also organized a workshop for the fortieth graduating class of the National Police Academy, comprising 374 students, from 9 to 13 September 2013. This training will also be provided to students of the Gendarmerie Training Academy in 2014.

20. The Monitoring Committee, which includes representatives of the most representative non-governmental and civil-society organizations, has already begun holding meetings, chaired by the General Secretary of the Observatory, to provide guidance for the latter's smooth functioning.

21. A dynamic partnership has been established with Amnesty International and the Office of the United Nations High Commissioner for Human Rights to train law enforcement officers.

22. On 13 and 14 December 2013, the Observatory, in partnership with the regional office of the International Committee of the Red Cross, will hold a national forum in the form of a workshop on the topic "Prison conditions in Senegal".

23. This workshop will bring together all actors of the justice system, the police and gendarmerie security forces and the prison administration, and will be held under the aegis of the Ministry of Justice.

24. All the activities described in the present document will be included in an annual report to the President of the Republic. That report will be made public.

25. The programme of visits for 2014 includes follow-up visits to places of deprivation of liberty already visited as well as thematic visits relating to the detention of minors, mental health in prisons, the situation of women detained with their young children, etc.

26. Visits to detention centres of military camps will also take place.

III. Replies to recommendations relating to methodology

27. For visits to places of deprivation of liberty, the Observatory has included in its Guidance the regulatory procedures for interrogations and the keeping of registers as well as arrests and arrivals at places of detention.

28. The Observatory currently holds a comprehensive list of all places of deprivation of liberty.

29. To sum up, the Observatory has taken note of all the other recommendations relating to methodology contained in the visit report of the Subcommittee on Prevention of Torture concerning unannounced visits, the length of visits to certain prisons, individual or group interviews with prisoners, relations between prison staff and detainees and all other issues, and will include them in the updated version of the Guidance, which will be prepared in early 2014.

IV. Replies to final recommendations

30. The Director of the Observatory will regularly examine his working methods and will undergo training to enhance his capacity to fulfil his obligations under the Optional Protocol.

31. It may be noted that the Director of the Observatory has visited Paris and Geneva to hold working meetings with his counterparts in those cities.

32. The Director of the Observatory maintains excellent relations with the Regional Office of the Office of the High Commissioner for Human Rights.

33. The Observatory would like to thank the Subcommittee on Prevention of Torture for its encouragement and undertakes to improve its working methods. The Observatory would like to assure the Subcommittee that it will send it all its annual reports so as to benefit from the Subcommittee's assistance in achieving the shared goal of preventing torture and ill-treatment by translating commitments into concrete actions.